

1
2
3
4 SENAHL, INC,
5 Plaintiff,
6 v.
7 XI'AN FORSTAR S&T CO, LTD,
8 Defendant.
9
10
11
12

13 Case No. [13-cv-04254-BLF](#)
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**ORDER TO SHOW CAUSE RE:
STRIKING THE ANSWER FOR
FAILURE TO HAVE COUNSEL**

To Defendant Xi'an Forstar S&T Co., Ltd. and its Attorney of Record, if any: You are hereby ORDERED TO SHOW CAUSE why the answer should not be stricken for failure to be represented by counsel. On September 24, 2015, Defendant's counsel ("King and Spalding") filed an emergency motion to withdraw as counsel. ECF 131. According to King and Spalding, Defendant Xi'an Forstar S&T Co., Ltd. ("Forstar") terminated counsel's representation of Forstar and directed counsel to stop all work in this matter. *Id.* at 1. King and Spalding does not know, and Defendant has not informed the Court if new counsel will or has been retained. *Id.* On September 28, 2015, the Court granted King and Spalding's emergency motion to withdraw as counsel. ECF 133.

Defendant Forstar is hereby apprised that it cannot appear *pro se* in this civil action. *See e.g., Bigelow v. Brady*, 179 F.3d 1164, 1165 (9th Cir. 1999) ("The law is clear that a corporation can be represented only by a licensed attorney."); *see also Batac Development Corp. v. B&R Consultants, Inc.*, No. 98-Civ-721-CSH, 2000 WL 307400, at *1-*2 (S.D.N.Y. March 23, 2000) (a non-attorney individual, even the corporation's sole shareholder, cannot represent the corporation in the federal courts).

1 Accordingly, Defendant Forstar is ORDERED TO SHOW CAUSE why the answer should
2 not be stricken for failure to be represented by counsel. Defendant Forstar shall submit a written
3 response **on or before October 8, 2015** and a hearing shall be set on **October 15, 2015** at 9 a.m.
4 in Courtroom 3, 5th Floor, 280 South 1st Street, San Jose, CA 95113.

5 In the alternative, if Defendant Forstar retains an attorney and has that attorney file a notice
6 of appearance before October 8, 2015, the Court will discharge this order to show cause. The
7 Court advises Defendant Forstar that a failure to respond will cause Defendant's answer to be
8 stricken. If the answer is stricken, Plaintiff may file a request to enter default against Defendant
9 Forstar which could result in judgment being entered against Defendant Forstar.

10 The Court instructs the clerk to serve this order by mail, e-mail, and fax on:

11 Name: Lily Cai
12 Address: No 71 Jinye Road Hi-Tech Zone
Xian 710077 China
13 E-mail: market@forstar.com.cn
Fax No: +86-29-88243212

Name: Jerry Guo
Address: AVIC Forstar S&T Co., LTD
No. 71 Jinye Road
High-Tech Zone
Xian 710077 China

IT IS SO ORDERED.

Dated: September 29, 2015

Beth Labson Freeman
BETH LABSON FREEMAN
United States District Judge